

30

IN THE UNITED STATES OF THE DISTRICT OF DELAWARE

FOR THE DISTRICT OF DELAWARE

WILLIAM R. DAVIS, as executor of the estate of James W. Davis, Sr., deceased	:	
Plaintiffs,	:	C.A. No. 05-288
v.	:	
RAYMOND JAMES & ASSOCIATES, INC., a Florida corporation	:	
Defendant, Crossclaim- Defendant,	:	
and	:	
CHRISTINE M. POFFENBARGER,	:	
Defendant, Counterclaim- Plaintiff, Crossclaim- Plaintiff and Third-Party Plaintiff	:	
v.	:	
WILLIAM R. DAVIS, JAMES W. DAVIS, JR., and LINDA M. TROUTT, and STAR ENTERPRISE, INC. a Delaware corporation,	:	
Third-Party Defendants.	:	

ORDER

WHEREAS, defendant, Raymond James & Associates, Inc., on its Motion for  
Interpleader and Dismissal under 28 U.S.C. §§ 1335, 1297, and 2361, now wishes to have certain  
funds transferred to and deposited with the Clerk of the Court; and

WHEREAS, the deposit of said funds with this Court is authorized by Fed. R. Civ. P. 67 and subject to Order of the Court,

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Clerk of the Court shall accept from defendant, Raymond James & Associates, Inc., a check drawn on the account of defendant, Raymond James & Associates, Inc., and to the order of this Court in an amount equal to \$116,946.23.
2. Promptly upon receipt of the check representing payment of the aforesaid sum from defendant, Raymond James & Associates, Inc., the Clerk of Court shall draw a check against the defendant, Raymond James & Associates, Inc., in the aforesaid sum made payable to Wachovia Bank and deliver same to Wachovia Bank, together with a certified copy of this Order.
3. Upon receipt of said check by Wachovia Bank, it shall be deposited in an interest bearing account to be opened in the name of "Clerk of the Court of the United States District Court for the District of Delaware, Civil Action No. 05-288.
4. The Clerk of the Court shall deduct from income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, at equal to ten percent (10%) of the income earned monthly on the investment, whenever such income becomes available for deduction in the investment so held and without further Order of the Court.
5. The funds deposited with Wachovia Bank shall remain on deposit until further Order of this Court.

6. Defendant, Raymond James & Associates, Inc., shall be discharged from any further obligations relating to decedent's IRA account number 71254380 and shall be dismissed from the above-captioned action with prejudice upon payment of the funds.

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

US\AB\K\CLLPG\00\\$335\WXL\01450\00552

**KEVIN CONNORS - Activity in Case 1:05-cv-00288-KAJ Davis v. Poffenbarger "Order"**

---

**From:** <ded\_nefreply@ded.uscourts.gov>  
**To:** <ded\_ecf@ded.uscourts.gov>  
**Date:** 9/13/2005 2:00:39 PM  
**Subject:** Activity in Case 1:05-cv-00288-KAJ Davis v. Poffenbarger "Order"

---

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court**

**District of Delaware**

**Notice of Electronic Filing**

The following transaction was received from rwc, entered on 9/13/2005 at 1:59 PM EDT and filed on 9/13/2005

**Case Name:** Davis v. Poffenbarger

**Case Number:** 1:05-cv-288

**Filer:**

**Document Number:** 32

**Docket Text:**

ORDER - regarding transfer and deposit of funds with the Clerk of Court, (see Order for details).  
Signed by Judge Kent A. Jordan on 9/13/05. (rwc, )

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=9/13/2005] [FileNumber=98112-0]  
[8a9e913cc4624840b682a17e2fa3825bf23a98c0e352c39e058be6c4ad1a411edb5b7  
cc395fdee686aef2e2126254186e38a47568acd4021877b44e3d77da1a9]]

**1:05-cv-288 Notice will be electronically mailed to:**

Kevin J. Connors keconnors@mdwcg.com

David J. Ferry , Jr dferry@ferryjoseph.com, jdecollo@ferryjoseph.com;rmiller@ferryjoseph.com

Erica Niezgoda Finnegan efinnegan@crosslaw.com, nmaisonet@crosslaw.com

Rick S. Miller rmiller@ferryjoseph.com,

Peter Michael Sweeney psweeney@gfmlaw.com,

**1:05-cv-288 Notice will be delivered by other means to:**